

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of)
)
W.H. SHIPMAN, LIMITED)
)
To Amend the Agricultural Land Use)
district Boundary for Approximately)
487.74 Acres Into the Urban Land)
Use District at Keaau, Puna,)
Hawaii, State of Hawai'i, Tax Map)
Key: 1-6-03: 78, por. 90; 1-6-146:)
1-19, 21-54; 1-6-148: 1-29, 31-37)

DOCKET NO. A84-570
ORDER GRANTING IN PART
AND DENYING IN PART
PETITIONER'S MOTION TO
RELEASE CONDITIONS
IMPOSED BY ORDER DATED
FEBRUARY 19, 1985 AND
SUBSEQUENT ORDER DATED
JULY 2, 1993

This is to certify that this is a true and correct
copy of the document on file in the office of the
State Land Use Commission, Honolulu, Hawaii.

DEC 24 1996

Date

by 
Executive Officer

ORDER GRANTING IN PART AND DENYING IN PART
PETITIONER'S MOTION TO RELEASE CONDITIONS IMPOSED BY ORDER
DATED FEBRUARY 19, 1985 AND SUBSEQUENT ORDER DATED JULY 2, 1993

LAND USE COMMISSION
STATE OF HAWAII
DEC 24 8 09 AM '96

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of)	DOCKET NO. A84-570
)	
W.H. SHIPMAN, LIMITED)	ORDER GRANTING IN PART
)	AND DENYING IN PART
To Amend the Agricultural Land Use)	PETITIONER'S MOTION TO
district Boundary for Approximately)	RELEASE CONDITIONS
487.74 Acres Into the Urban Land)	IMPOSED BY ORDER DATED
Use District at Keaau, Puna,)	FEBRUARY 19, 1985 AND
Hawaii, State of Hawai'i, Tax Map)	SUBSEQUENT ORDER DATED
Key: 1-6-03: 78, por. 90; 1-6-146:)	JULY 2, 1993
<u>1-19, 21-54; 1-6-148: 1-29, 31-37</u>)	

ORDER GRANTING IN PART AND DENYING IN PART
PETITIONER'S MOTION TO RELEASE CONDITIONS IMPOSED BY ORDER
DATED FEBRUARY 19, 1985 AND SUBSEQUENT ORDER DATED JULY 2, 1993

On November 14, 1996, Petitioner W.H. Shipman, Limited ("Petitioner") filed a Motion to Release Conditions Imposed by Order Dated February 19, 1985 and Subsequent Order Dated July 2, 1993 ("Motion") pursuant to Hawaii Administrative Rules sections 15-15-70 and 15-15-95, and Condition No. 6 of the Findings of Fact, Conclusions of Law, and Decision and Order dated July 2, 1993.

The Motion requested that the Land Use Commission ("Commission") release Conditions No. 1 through 8, inclusive, imposed by the Commission in LUC Docket No. A84-570.

Petitioner requested the release of all conditions imposed as it believed that all conditions have been complied with.

The Motion, came before the Commission on December 12, 1996 at its meeting in Honolulu, Oahu. Petitioner was represented by Mr. Robert E. Cooper, President, W.H. Shipman,

Limited. The Office of Planning was represented by Ann Ogata Deal, Esq., Deputy Attorney General, and Mr. Abe Mitsuda. The County of Hawaii Planning Department was not present at the proceeding.

The Commission, having considered the oral and written arguments of the parties, and having considered the entire record to date for the subject docket, and with good cause shown,

NOW HEREBY ORDERS that Petitioner's Motion to Release Conditions Imposed by Order Dated February 19, 1985 and Subsequent Order Dated July 2, 1993 is GRANTED in part and DENIED in part as follows:

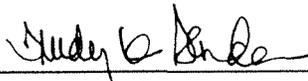
Conditions No. 7 and 8 imposed by the Commission pursuant to Findings of Fact, Conclusions of Law, and Decision and Order dated July 2, 1993, shall be released.

Conditions No. 1 through 6, inclusive, imposed by the Commission pursuant to Findings of Fact, Conclusions of Law, and Decision and Order dated July 2, 1993, are hereby reaffirmed and shall remain in effect.

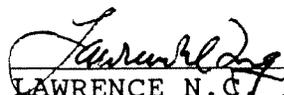
DOCKET NO. A84-570 - W.H. SHIPMAN, LIMITED

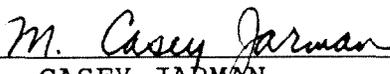
Done at Honolulu, Hawai'i, this 24th day of December 1996,
per motion on December 12, 1996.

LAND USE COMMISSION
STATE OF HAWAI'I

By 
TRUDY K. SENDA
Chairperson and Commissioner

By 
RUPERT K. OHUN
Vice Chairperson and Commissioner

By 
LAWRENCE N. C. KING
Commissioner

By 
M. CASEY JARMAN
Commissioner

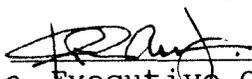
By (absent)
HERBERT S.K. KAOPUA, SR.
Commissioner

By (absent)
LLOYD F. KAWAKAMI
Commissioner

By 
MERLE A. K. KELAI
Commissioner

Filed and effective on
December 24, 1996

Certified by:


for Executive Officer

By (absent)
EUSEBIO LAPENIA, JR.
Commissioner

By (absent)
JOANN N. MATTSON
Commissioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of)	DOCKET NO. A84-570
W.H. SHIPMAN, LIMITED)	
To Amend the Agricultural Land Use)	ORDER GRANTING IN PART
district Boundary for Approximately)	AND DENYING IN PART
487.74 Acres Into the Urban Land)	PETITIONER'S MOTION TO
Use District at Keaau, Puna,)	RELEASE CONDITIONS
Hawaii, State of Hawai'i, Tax Map)	IMPOSED BY ORDER DATED
Key: 1-6-03: 78, por. 90; 1-6-146:)	FEBRUARY 19, 1985 AND
<u>1-19, 21-54; 1-6-148: 1-29, 31-37</u>)	SUBSEQUENT ORDER DATED
	JULY 2, 1993

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting In Part and Denying In Part Petitioner's Motion to Release Conditions Imposed By Order Dated February 19, 1985 and Subsequent Order Dated July 2, 1993 was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

DEL. RICK EGGED, Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

CERT. VIRGINIA GOLDSTEIN, Planning Director
Planning Department, County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

CERT. RICHARD D. WURDEMAN, ESQ.
Corporation Counsel
County of Hawaii
The Hilo Lagoon Center
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

CERT. ROBERT E. COOPER, President
W. H. Shipman, Limited
P. O. Box 950
Keaau, Hawaii 96749

DATED: Honolulu, Hawaii, this 24th day of December 1996.


for ESTHER UEDA
Executive Officer